



UNITED STATES PATENT AND TRADEMARK OFFICE

M/L

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,675	09/30/2003	Ira R. Forman	AUS920030326US1	6754
25299	7590	08/09/2007	EXAMINER	
IBM CORPORATION			LIOU, ERIC	
PO BOX 12195			ART UNIT	PAPER NUMBER
DEPT YXSA, BLDG 002			3628	
RESEARCH TRIANGLE PARK, NC 27709				
MAIL DATE		DELIVERY MODE		
08/09/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/675,675	FORMAN ET AL.
Examiner	Art Unit	
Eric Liou	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 6/8/07.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5,8-12 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5,8-12 and 21-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Status of Claims

1. Applicant has amended claims 1-5 and 8-12, cancelled claims 6-7 and 13-20, and added claims 21-25. Thus, claims 1-5, 8-12, and 21-25 remain pending and are presented for examination.

Response to Arguments

2. Applicant's arguments filed 6/8/07 have been fully considered but they are not persuasive.

3. Regarding claims 1, 8, and 21, Applicant submits that McKnight fails to disclose the limitation, "each of the client stations providing power permits the power service broker access, via the Web, to their available computer power, and the broker then distributes, via the Web, to these client stations (providing the computer power) a process enabling the broker to access the computer power of a client station." The Examiner respectfully disagrees and maintains McKnight anticipates the above-mentioned limitation. McKnight discloses, "A system manager 110 integrates, organizes and manages the computing resources furnished by hosts 102 and user hosts 104 and the provision of distributed computing services to users 106 and other user/hosts 104." (paragraph 0016). Furthermore, McKnight further discloses, "the system manager 110 may also provide some computing resources itself without departing from the scope and spirit of the invention." (paragraph 0016). Thus, McKnight discloses hosts 102 and user hosts 104 (client stations) permit the system manager 110 (power service broker) to integrate, organize and manage the computer resources provided (permit power service broker access) and the provision

of distributed computing services to users 106 (the broker distributes computer power to the client stations).

Drawings

4. The Examiner acknowledges corrected Figure 3 and withdraws the previous objection.

Claim Objections

5. The Examiner acknowledges amended claims 4 and 11 and withdraws the previous objection.

Claim Rejections - 35 USC § 112

6. The Examiner acknowledges the amended claims and withdraws the previous rejection.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 8, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by McKnight et al., U.S. Publication No. 2002/0165819.
9. As per claims 1 and 21, McKnight teaches the system and computer program for tracking distributed computer power to users and compensating computer power providers (McKnight:

Figure 7 and paragraph 0030, “The main memory 704 provides storage of instructions and data for programs executing on the central processing system 702.” comprising:

 a computer power service broker (McKnight: Figure 1, “110” and paragraph 0016, “system manager 110”);

 means, associated with said broker, for soliciting each of a plurality of client computer stations on the Web to offer for general distribution over the Web computer power in excess to the computer power requirements of each respective client computer station (McKnight: paragraph 0016, “A system manager 110 integrates, organizes and manages the computing resources furnished by hosts 102 and user hosts 104 and the provision of distributed computing services to users 106 and other user/hosts 104.” and paragraph 0017, The Examiner notes, the host 102 is the client and the user 106 is the consumer.);

 means, associated with said broker, for soliciting a plurality of consumer stations on the Web to request performance of functions requiring computer power (McKnight: paragraph 0017, “...users 106 (and user/hosts 104) agree or contract with the organization for purchasing distributed computing services utilizing the computing resources provided by hosts 102 (and other user/hosts 104). The Examiner interprets the step of agreeing or contracting with the organization to be the system manager soliciting the users to request the performance of functions requiring power.”);

 means, associated with said broker, for distributing each of said requested functions requiring computer power among a plurality of said client computer stations offering said computer power (McKnight: paragraph 0017, The Examiner notes, the host providing distributed computing services to the system results in the user requests being distributed among the hosts.);

means for permitting, by each of said client computer stations, said computer power service broker to access, via the Web, the computer power of said client computer station

(McKnight: Figure 1 and paragraph 0016, “A system manager 110 integrates, organizes and manages the computing resources furnished by hosts 102 and user hosts 104...”);

means for distributing through said broker via the Web to said client computer station, a process permitting said computer power service broker to access the computer power of said client station (McKnight: Figure 1 and paragraph 0016, “A system manager 110 integrates, organizes and manages the computing resources furnished by hosts 102 and user hosts 104...”);

means, associated with said broker, for tracking and for billing consumer stations for computer power used in performance of requested functions (McKnight: paragraph 0019, “The organization may then collect fees from users...” and paragraph 0020); and

means, associated with said broker, for tracking and compensating said client computer stations for said excess computer power used in performance of said requested functions (McKnight: paragraph 0019, “In consideration for the furnished computing services, the host 102 (or user/host 104) is provided compensation or incentives corresponding to the computing resources made available.”).

10. As per claim 8, McKnight teaches a method for tracking distributed computer power to users and compensating computer power providers comprising:

soliciting, through a computer power service broker, each of a plurality of client computer stations on the Web to offer for general distribution over the Web computer power in excess to the computer power requirements of each client respective computer station (McKnight: paragraph 0016, “A system manager 110 integrates, organizes and manages the

computing resources furnished by hosts 102 and user hosts 104 and the provision of distributed computing services to users 106 and other user/hosts 104.” and paragraph 0017, The Examiner notes, the host 102 is the client and the user 106 is the consumer.);

soliciting, through a computer power service broker, a plurality of consumer stations on the Web to request performance of functions requiring computer power (McKnight: paragraph 0017, “...users 106 (and user/hosts 104) agree or contract with the organization for purchasing distributed computing services utilizing the computing resources provided by hosts 102 (and other user/hosts 104). The Examiner interprets the step of agreeing or contracting with the organization to be the system manager soliciting the users to request the performance of functions requiring power.”);

distributing, through said broker, each of said requested functions requiring computer power among a plurality of said client computer stations offering said computer power (McKnight: paragraph 0017, The Examiner notes, the host providing distributed computing services to the system results in the user requests being distributed among the hosts.);

permitting, by each of said client computer stations, said computer power service broker to access, via the Web, the computer power of said client computer station (McKnight: Figure 1 and paragraph 0016, “A system manager 110 integrates, organizes and manages the computing resources furnished by hosts 102 and user hosts 104...”);

distributing through said broker via the Web to said client computer station, a process permitting said computer power service broker to access the computer power of said client station (McKnight: Figure 1 and paragraph 0016, “A system manager 110 integrates, organizes and manages the computing resources furnished by hosts 102 and user hosts 104...”);

tracking and for billing, through said broker, consumer stations for computer power used in performance of requested functions (McKnight: paragraph 0019, "The organization may then collect fees from users..." and paragraph 0020); and

tracking and compensating, through said broker, said client computer stations for said excess computer power used in performance of said requested functions (McKnight: paragraph 0019, "In consideration for the furnished computing services, the host 102 (or user/host 104) is provided compensation or incentives corresponding to the computing resources made available.").

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2-3, 5, 9-10, 12, 22-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKnight et al., U.S. Publication No. 2002/0165819 in view of Burnett, U.S. Publication No. 2004/0093295.

13. As per claims 2 and 22, McKnight teaches the system and computer program of claims 1 and 21 as described above. McKnight does not teach means associated with said broker for determining market value of computer power provided by each client computer station in performance of said requested functions.

14. Burnett teaches means associated with said broker for determining market value of computer power provided by each client computer station in performance of said requested functions (Burnett: Figure 1 and paragraph 0035 – The Examiner interprets the step of generating a bill to include determining the market value of computer power provided.).

15. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and computer program of McKnight to have included means associated with said broker for determining market value of computer power provided by each client computer station in performance of said requested functions as taught by Burnett for the advantage of providing reliable distributive computing capability that increases utility and economic efficiency (Burnett: paragraph 0020).

16. As per claims 3 and 23, McKnight in view of Burnett teaches the system and computer program of claims 2 and 22 as described above. Burnett further teaches means for compensating said client computer stations for said computer power pay said client computer stations the market value of the computer power provided (Burnett: Figure 1 and paragraph 0035 – The Examiner notes, a consumer pays the client for power provided in response to receiving a bill.).

17. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and computer program of McKnight to have included means for compensating said client stations for said computer power pays said client stations the market value of the computer power provided as taught by Burnett for the advantage of providing reliable distributive computing capability that increases utility and economic efficiency (Burnett: paragraph 0020).

18. As per claims 5, 12, and 25, McKnight in view of Burnett teaches the system, method, and computer program of claims 2, 9, and 22 as described above. Burnett further teaches the market value of the computer power provided by each client computer station is determined by an amount of data processed and a type of data processing used in processing the data (Burnett: paragraph 0035 – The Examiner notes, one skilled in the art would recognize that the processing power used to complete a task is determined by the amount of data processed and the type of data processing used. The applied reference has been interpreted and applied assuming basic knowledge of one of ordinary skill in the art. According to *in re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In *In re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that, which is disclosed therein.).

19. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the system, method, and computer program of McKnight to have included the market value of the computer power provided by each client computer station is determined by an amount of data processed and a type of data processing used in processing the data as taught by Burnett for the advantage of providing reliable distributive computing capability that increases utility and economic efficiency (Burnett: paragraph 0020).

20. As per claim 9, McKnight teaches the method of claim 8 as described above. McKnight does not teach the step of determining, through said broker, market value of computer power provided by each client computer station in performance of said requested functions.

21. Burnett teaches the step of determining, through said broker, market value of computer power provided by each client computer station in performance of said requested functions (Burnett: Figure 1 and paragraph 0035 – The Examiner interprets the step of generating a bill to include determining the market value of computer power provided.).

22. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of McKnight to have included the step of determining, through said broker, market value of computer power provided by each client computer station in performance of said requested functions as taught by Burnett for the advantage of providing reliable distributive computing capability that increases utility and economic efficiency (Burnett: paragraph 0020).

23. As per claim 10, McKnight teaches the method of claim 9 as described above. Burnett further teaches compensating said client computer stations for said computer power pays said client computer stations the market value of the computer power provided (Burnett: Figure 1 and paragraph 0035 – The Examiner notes, a consumer pays the client for power provided in response to receiving a bill.).

24. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the method McKnight to have included compensating said client computer stations for said computer power pays said client computer stations the market value of the computer power provided as taught by Burnett for the advantage of providing reliable distributive computing capability that increases utility and economic efficiency (Burnett: paragraph 0020).

25. Claims 4, 11, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKnight et al., U.S. Publication No. 2002/0165819 in view of Burnett, U.S. Publication No. 2004/0093295 and further in view of Shuster, U.S. Publication No. 2003/0009533.

26. As per claims 4, 11, and 24, McKnight in view of Burnett teaches the system, method, and computer program of claims 2, 9, and 22 as described above. Burnett further teaches compensating said client stations for said computer by providing a Web document indicating the contribution of the market value of the computer power supplied (Burnett: paragraphs 0035 and 0022-0023, "...the Internet and the like for transferring data among the server". The Examiner notes, one skilled in the art would recognize that network 104 is capable of sending the bill as a Web document. The applied reference has been interpreted and applied assuming basic knowledge of one of ordinary skill in the art. According to *in re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In *In re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that, which is disclosed therein.).

27. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the system, method, and computer program of McKnight to have included compensating said client stations for said computer power by providing a Web document indicating the contribution of the market value of the computer power supplied as taught by Burnett for the advantage of providing reliable distributive computing capability that increases utility and economic efficiency (Burnett: paragraph 0020).

28. McKnight in view of Burnett does not teach consumer stations requesting the performance of functions requiring computer power are owned by charitable organizations.

29. Shuster teaches consumer stations requesting the performance of functions requiring computer power are owned by charitable organizations (Shuster: paragraph 0006 – The Examiner interprets the use of distributed computing for charitable uses to mean consumer stations are owned by charitable organizations.).

30. It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have modified the system, method, and computer program of McKnight in view of Burnett to have included consumer stations requesting the performance of functions requiring computer power are owned by charitable organizations as taught by Shuster for the advantage of providing a distributed computing method and system that is more effective and widespread (Shuster: paragraph 0016).

Conclusion

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

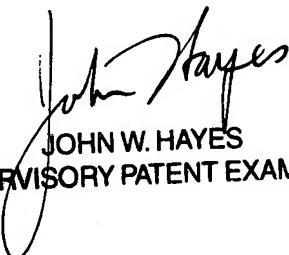
The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is 571-270-1359. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EL



JOHN W. HAYES
SUPERVISORY PATENT EXAMINER